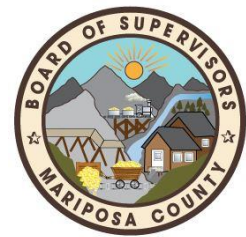


# MARIPOSA COUNTY

District Attorney · (209) 966-3626



## RESOLUTION - ACTION REQUESTED 2021-648

MEETING: December 7, 2021

TO: The Board of Supervisors

FROM: Walter Wall, District Attorney

RE: First Amended Agreement for Officer Involved Shooting Expert Services

---

### RECOMMENDATION AND JUSTIFICATION:

Approve First Amendment with David Blake for Officer Involved Shooting Expert Services; and Authorize the Board of Supervisors Chair to Sign the amendment.

The Mariposa County District Attorney's Office initiated an agreement with David Blake for Officer Involved Shooting Expert Services in October 2020. David Blake specializes in use of force, human factors (response times), and shooting dynamics. His services are critical in the ongoing prosecution of a criminal case in Mariposa County in order to prove the elements beyond a reasonable doubt.

The adopted budget for the 2021-2022 fiscal year has funding to support this agreement. The terms for the original agreement have been amended as follows: extend the agreement to a three-year period and increase the amount of the agreement by \$3,750.00. These amendments are necessary due to the delays in the prosecution function of the District Attorney's Office caused by COVID-19 in 2020. With the forced delays, David Blake was able to perform additional services therefore incurring a higher cost than originally agreed upon.

### BACKGROUND AND HISTORY OF BOARD ACTIONS:

District Attorney Walter W. Wall and County Counsel had approved the past agreement that expired on October 19, 2021 with David Blake.

### ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Mariposa County District Attorney's Office will lose the services of David Blake in the ongoing prosecution of an officer involved shooting case in Mariposa County.

### FINANCIAL IMPACT:

**Funds for services have been adopted in FY21-22 budget.**

### ATTACHMENTS:

**D. Blake Original Agreement 2020 (PDF)**

**D. Blake Agreement Amendment 2021 (PDF)**

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Wayne Forsythe, District IV Supervisor

**AYES:** Smallcombe, Sweeney, Long, Forsythe, Menetrey

**FIRST AMENDMENT TO AGREEMENT FOR OFFICER INVOLVED SHOOTING EXPERT**

**THIS FIRST AMENDMENT TO AGREEMENT FOR OFFICER INVOLVED SHOOTING EXPERT**

is made and entered into this 7TH day of December 2021, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “**County**,” and David Blake, Officer Involved Shooting Expert, hereinafter referred to as “**Contractor**.”

**WHEREAS, County and Contractor** have heretofore entered into an Agreement dated October 20, 2020, wherein **Contractor** agreed to provide Officer Involved Shooting Expert services; and

**WHEREAS, County and Contractor** desire to amend said Agreement to extend the term of the Agreement;

**WHEREAS, County and Contractor** desire to amend said Agreement to change the compensation to be provided to **Contractor**;

**NOW THEREFORE**, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1, “TERM,” is hereby amended to extend the term of the Agreement to October 19, 2023.
2. Paragraph 2, “COMPENSATION,” is hereby amended to provide that an additional \$3750.00 will be added to the original amount of \$5000.00, making the total compensation paid to **Contractor** the not to exceed amount of \$8750.00.

Except as herein amended, the Agreement dated October 20, 2020 shall remain in full force and effect.

The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in this Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to October 19, 2021. The parties shall treat the Agreement as if it had been in full force and effect continuously since October 19, 2021, without there having been any interruption of the Agreement whatsoever.



**IN WITNESS WHEREOF**, the parties have caused this Amendment to be executed on the date first above written.

**[OPTION 1 (BOARD APPROVAL)]**

COUNTY OF MARIPOSA



CONTRACTOR



6240183EB07  
  
  
\_\_\_\_\_  
Marshall Long, Chair Board of Supervisors

6240183EB1B  
  
  
\_\_\_\_\_  
David Blake

COUNTERSIGNED:  
(Government Code §25103)

APPROVED AS TO FORM:

6240183EB11  
  
  
\_\_\_\_\_  
René LaRoche  
Clerk of the Board

6240183EAFD  
  
  
\_\_\_\_\_  
Steven W. Dahlem  
County Counsel